

A BILL

24-320

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To provide for comprehensive policing and justice reform for District residents and visitors, and for other purposes.

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BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Comprehensive Policing and Justice Reform Amendment Act of 2022”.

TITLE I. IMPROVING POLICE ACCOUNTABILITY AND TRANSPARENCY

SUBTITLE A. PROHIBITING THE USE OF ASPHYXIATING RESTRAINTS AND NECK RESTRAINTS

Sec. 101. The Limitation on the Use of the Chokehold Act of 1985, effective January 25, 1986 (D.C. Law 6-77; D.C. Official Code § 5-125.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 5-125.01) is amended to read as follows:

73 “Sec. 2. (a) The Council of the District of Columbia finds that law enforcement officers’
74 use of neck restraints, or any other technique that causes asphyxiation, presents an unnecessary
75 danger to the public and constitutes excessive force.

76 ~~“(b) On November 1, 2015, Alonzo Smith died after an altercation with 2 special police~~
77 ~~officers. During the incident, Smith was placed facedown with his hands cuffed behind his back~~
78 ~~as one special police officer held Smith’s head down and another kneeled on his back. The Office~~
79 ~~of the Chief Medical Examiner ruled Smith’s death a homicide.~~

80 “(b) On May 25, 2020, Minneapolis Police Department officer Derek Chauvin murdered
81 George Floyd by applying a neck restraint to Floyd with his knee for 8 minutes and 46 seconds.
82 Hundreds of thousands, if not millions, of people across the world, including in the District, took
83 to the streets to peacefully protest injustice, racism, white supremacy, and police brutality against
84 Black people and other people of color. Chauvin was ultimately found guilty of second-degree
85 unintentional murder, third-degree murder, and second-degree manslaughter.

86 “(c) Police brutality is abhorrent and antithetical to the District’s values. It is the intent of
87 the Council that this act unequivocally strengthen the 1985 ban on the use of neck restraints and
88 other techniques that can cause asphyxiation by law enforcement officers.”.

89 (b) Section 3 (D.C. Official Code § 5-125.02) is amended as follows:

90 (1) Paragraph (1) is repealed.

91 (2) Paragraph (2) is repealed.

92 (3) New paragraphs (3), (4), (5), and (6) are added to read as follows:

93 “(3) “Asphyxiating restraint” means:

94 “(A) The use of any body part or object by a law enforcement officer against
95 a person with the purpose, intent, or effect of controlling or restricting the person’s airway or

severely restricting the person’s breathing, except in cases where the law enforcement officer is acting in good faith to provide medical care or treatment, such as by providing cardiopulmonary resuscitation; or

“(B) The placement of a person by a law enforcement officer in a position in which that person’s airway is restricted.

“(4) “Law enforcement officer” means:

“(A) An officer or member of the Metropolitan Police Department or of any other police force operating in the District;

“(B) An investigative officer or agent of the United States;

“(C) An on-duty, civilian employee of the Metropolitan Police Department;

“(D) An on-duty, licensed special police officer;

“(E) An on-duty, licensed campus police officer;

“(F) An on-duty employee of the Department of Corrections or Department of Youth Rehabilitation Services;

“(G) An on-duty employee of the Court Services and Offender Supervision Agency, Pretrial Services Agency, or Family Court Social Services Division; and

“(H) An employee of the Office of the Inspector General who, as part of their official duties, conducts investigations of alleged felony violations.

“(5) “Neck restraint” means the use of any body part or object by a law enforcement officer to apply pressure against a person’s neck, including the trachea, carotid artery, or jugular vein, with the purpose, intent, or effect of controlling or restricting the person’s movement, blood flow, or breathing.

“(6) “Prohibited technique” means an:

119 “(A) Asphyxiating restraint; or

120 “(B) Neck restraint.”.

121 (c) Section 4 (D.C. Official Code § 5-125.03) is amended to read as follows:

122 “Sec. 4. Use of prohibited techniques.

123 “(a) It shall be unlawful:

124 “(1) To use a prohibited technique; or

125 “(2) If a law enforcement officer observes another law enforcement officer’s use of
126 a prohibited technique, to fail to immediately, for the person on whom the prohibited technique
127 was used:

128 “(A) Render, or cause to be rendered, first aid; or

129 “(B) Request emergency medical services.”.

130 Sec. 102. Section 3 of the Federal Law Enforcement Officer Cooperation Act of 1999,
131 effective May 9, 2000 (D.C. Law 13-100; D.C. Official Code § 5-302), is amended by striking the
132 phrase “use of trachea and carotid artery holds under sections 3 and 4 of the Limitation on the Use
133 of the Chokehold Act of 1985, effective January 25, 1986 (D.C. Law 6-77; D.C. Official Code §
134 5-125.01 et seq.),” and inserting the phrase “use of prohibited techniques, as that term is defined
135 in section 3(6) of the Limitation on the Use of the Chokehold Act of 1985, effective January 25,
136 1986 (D.C. Law 6-77; D.C. Official Code § 5-125.02(6)),” in its place.

137 SUBTITLE B. IMPROVING ACCESS TO BODY-WORN CAMERA VIDEO
138 RECORDINGS

139 Sec. 103. Section 3004 of the Body-Worn Camera Regulation and Reporting Requirements
140 Act of 2015, effective October 22, 2015 (D.C. Law 21-36; D.C. Official Code § 5-116.33), is
141 amended as follows:

142 (a) The section heading is amended by striking the phrase “reporting requirements.” and
143 inserting the phrase “reporting requirements; access.” in its place.

144 (b) Subsection (a) is amended as follows:

145 (1) Paragraph (3) is amended by striking the phrase “interactions;” and inserting
146 the phrase “interactions, and the results of those internal investigations, including any discipline
147 imposed;” in its place.

148 (2) Paragraph (7) is amended to read as follows:

149 “(7) How many Freedom of Information Act requests the Metropolitan Police
150 Department (“Department”) received for body-worn camera recordings during the reporting
151 period, the outcome of each request, including any reasons for denial, any costs invoiced to the
152 requestor, the cost to the Department for complying with each request, including redaction, and
153 the length of time between the initial request and the Department’s final response; and

154 (c) New subsections (c), (d), (e), (f), and (g) are added to read as follows:

155 “(c) Notwithstanding any other law:

156 “(1) Within 5 business days after a request from the Chairperson of the Council
157 Committee with jurisdiction over the Metropolitan Police Department, the Metropolitan Police
158 Department shall provide unredacted copies of the requested body-worn camera recordings to the
159 Chairperson and the Councilmember elected by the Ward in which the incident occurred. Such
160 body-worn camera recordings shall not be publicly disclosed by the Chairperson or the Council;
161 and

162 “(2) The Mayor:

163 “(A) Shall, except as provided in paragraph (2) of this subsection:

“ (i) Within 5 business days after an officer-involved death or the serious use of force, publicly release:

“(I) The names and body-worn camera recordings of all officers directly involved in the officer-involved death or serious use of force; and

“(II) A description of the incident; and

“(ii) Maintain, on the website of the Metropolitan Police Department in a format readily accessible and searchable by the public, the names and body-worn camera recordings of all officers who were directly involved in an officer-involved death since the Body-Worn Camera Program was launched on October 1, 2014; and

“(B) May, on a case-by-case basis in matters of significant public interest and after consultation with the Chief of Police, the Office of the Attorney General, and the United States Attorney's Office for the District of Columbia, publicly release any other body-worn camera recordings that may not otherwise be releasable pursuant to a FOIA request or subparagraph (A) of this paragraph.

“(3)(A) The Mayor shall not release a body-worn camera recording pursuant to paragraph (1)(A) of this subsection if the following persons inform the Mayor, orally or in writing, that they do not consent to its release:

“(i) For a body-worn camera recording of an officer-involved death, the decedent’s next of kin; and

“(ii) For a body-worn camera recording of a serious use of force, the individual against whom the serious use of force was used, or if the individual is a minor or unable to consent, the individual’s next of kin.

186 “(B)(i) In the event of a disagreement between the persons who must
187 consent to the release of a body-worn camera recording pursuant to subparagraph (A) of this
188 paragraph, the Mayor shall seek a resolution in the Superior Court of the District of Columbia.

189 “(ii) The Superior Court of the District of Columbia shall order the
190 release of the body-worn camera recording if it finds that the release is in the interests of justice.

191 “(d) Before publicly releasing a body-worn camera recording of an officer-involved death,
192 the Metropolitan Police Department shall:

193 “(1) Consult with an organization with expertise in trauma and grief on best
194 practices for providing the decedent’s next of kin with a reasonable opportunity view the body-
195 worn camera recording privately in a non-law enforcement setting prior to its release; and

196 “(2) In a manner that is informed by the consultation described in paragraph (1) of
197 this subsection:

198 “(A) Provide actual notice to the decedent’s next of kin at least 24 hours
199 before the release, including the date on and the manner in which it will be released;

200 “(B) Offer the decedent’s next of kin a reasonable opportunity to view the
201 body-worn camera recording privately in a non-law enforcement setting; and

202 “(C) If the next of kin accepts the offer in subparagraph (B) of this
203 paragraph, provide the decedent’s next of kin a reasonable opportunity to view the body-worn
204 camera recording privately in a non-law enforcement setting.

205 “(e)(1) Metropolitan Police Department officers shall not review their body-worn camera
206 recordings or body-worn camera recordings that have been shared with them to assist in initial
207 report writing.

208 “(2) Officers shall indicate, when writing any subsequent reports, whether the
209 officer viewed body-worn camera footage prior to writing the subsequent report and specify what
210 body-worn camera footage the officer viewed.

211 “(f) When releasing body-worn camera recordings, the likenesses of any local, county,
212 state, or federal government employees acting in their professional capacities, other than those
213 acting undercover, shall not be redacted or otherwise obscured.

214 “(g) For the purposes of this section, the term:

215 “(1) “FOIA” means Title II of the District of Columbia Administrative Procedure
216 Act, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-531 *et seq.*).

217 “(2) “Next of kin” means the priority for next of kin as provided in Metropolitan
218 Police Department General Order 401.08, or its successor directives.

219 “(3) “Serious use of force” means any:

220 “(A) Firearm discharges by a Metropolitan Police Department officer, with
221 the exception of range and training incidents;

222 “(B) Head strikes by a Metropolitan Police Department officer with an
223 impact weapon;

224 “(C) Uses of force by a Metropolitan Police Department officer:

225 “(i) Resulting in serious bodily injury;

226 “(ii) Resulting in a loss of consciousness, or that create a substantial
227 risk of death, serious disfigurement, disability or impairment of the functioning of any body part
228 or organ;

“(iii) Involving the use of a prohibited technique, as that term is defined in section 3(6) of the Limitation on the Use of the Chokehold Act of 1985, effective January 25, 1986 (D.C. Law 6-77; D.C. Official Code § 5-125.02(6)); and

“(iv) Resulting in a death; and

“(D) Incidents in which a Metropolitan Police Department canine bites a person.”.

Sec. 104. Chapter 39 of Title 24 of the District of Columbia Municipal Regulations is amended as follows:

(a) Section 3900 is amended as follows:

(1) Subsection 3900.9 is amended to read as follows:

“3900.9. (a) Members shall not review their BWC recordings or BWC recordings that have been shared with them to assist in initial report writing.

“(b) Members shall indicate, when writing any subsequent reports, whether the member viewed BWC footage prior to writing the subsequent report and specify what BWC footage the member viewed.”.

(2) Subsection 3900.10 is amended to read as follows:

“3900.10. (a) Notwithstanding any other law, the Mayor:

“(1) Shall, except as provided in paragraph (b) of this subsection:

“(A) Within 5 business days after an officer-involved death or the serious use of force, publicly release:

“(i) The names and body-worn camera recordings of all officers directly involved in the officer-involved death or serious use of force; and

“(ii) A description of the incident; and

252 “(B) Maintain, on the website of the Metropolitan Police
253 Department in a format readily accessible and searchable by the public, the names and body-worn
254 camera recordings of all officers who were directly involved in an officer-involved death since the
255 Body-Worn Camera Program was launched on October 1, 2014; and

256 “(2) May, on a case-by-case basis in matters of significant public interest
257 and after consultation with the Chief of Police, the Office of the Attorney General, and the United
258 States Attorney's Office for the District of Columbia, publicly release any other body-worn camera
259 recordings that may not otherwise be releasable pursuant to a FOIA request or paragraph (a)(1)(A)
260 of this subsection.

261 “(b)(1) The Mayor shall not release a body-worn camera recording pursuant to
262 paragraph (a)(1)(A) of this subsection if the following persons inform the Mayor, orally or in
263 writing, that they do not consent to its release:

264 “(A) For a body-worn camera recording of an officer-involved
265 death, the decedent’s next of kin; and

266 “(B) For a body-worn camera recording of a serious use of force, the
267 individual against whom the serious use of force was used, or if the individual is a minor or unable
268 to consent, the individual’s next of kin.

269 “(2)(A) In the event of a disagreement between the persons who must
270 consent to the release of a body-worn camera recording pursuant to subparagraph (1) of this
271 paragraph, the Mayor shall seek a resolution in the Superior Court of the District of Columbia.

272 “(B) The Superior Court of the District of Columbia shall order the
273 release of the body-worn camera recording if it finds that the release is in the interests of justice.

274 “(c) Before publicly releasing a body-worn camera recording of an officer-involved
275 death, the Metropolitan Police Department shall:

276 “(1) Consult with an organization with expertise in trauma and grief on best
277 practices for providing the decedent’s next of kin with a reasonable opportunity view the body-
278 worn camera recording privately in a non-law enforcement setting prior to its release; and

279 “(2) In a manner that is informed by the consultation described in
280 subparagraph (1) of this paragraph:

281 “(A) Provide actual notice to the decedent’s next of kin at least 24
282 hours before the release, including the date on which it will be released;

283 “(B) Offer the decedent’s next of kin a reasonable opportunity to
284 view the body-worn camera recording privately in a non-law enforcement setting; and

285 “(C) If the next of kin accepts the offer in sub-subparagraph (B) of
286 this subparagraph, provide the decedent’s next of kin a reasonable opportunity to view the body-
287 worn camera recording privately in a non-law enforcement setting.”.

288 (b) Section 3901.2 is amended by adding a new paragraph (a-1) to read as follows:

289 “(a-1) Recordings related to a request from or investigation by the Chairperson of
290 the Council Committee with jurisdiction over the Department;”.

291 (c) Section 3902 is amended as follows:

292 (1) Subsection 3902.3 is amended by striking the phrase “to MPD” and inserting
293 the phrase “to the Department” in its place.

294 (2) Subsection 3902.4 is amended to read as follows:

295 “3902.4. Notwithstanding any other law, within 5 business days after a request from the
296 Chairperson of the Council Committee with jurisdiction over the Department, the Department shall

provide unredacted copies of the requested BWC recordings to the Chairperson. Such BWC recordings shall not be publicly disclosed by the Chairperson or the Council; except, that the Councilmember representing the Ward in which the incident occurred may jointly view the recordings.”.

(3) Subsection 3902.5 is amended to read as follows:

“3902.5. (a) Pursuant to policy directives adopted under the authority of § 3900.3, the Department shall schedule a time for the following individuals to view a BWC recording:

“(1) Any subject of the BWC recording;

“(2) The subject's legal representative;

“(3) If the subject is a minor, the subject's parent or legal guardian; and

“(4) If the subject is deceased, the subject's parent, legal guardian, next of kin, and their respective legal representatives.

“(b) Notwithstanding paragraph (a) of this subsection:

“(1) None of the individuals listed in paragraph (a) of this subsection may make a copy of the BWC recording; and

“(2) The Department may not schedule a time to view the BWC recording if access to the unredacted BWC recording would violate a recognized privacy right of another subject.”.

(4) A new subsection 3902.9 is added to read as follows:

“3902.9. When releasing body-worn camera recordings, the likenesses of any local, county, state, or federal government employees acting in their professional capacities, other than those acting undercover, shall not be redacted or otherwise obscured.”.

(d) Section 3999.1 is amended by inserting definitions between the definitions of “metadata” and “subject” to read as follows:

““Next of kin” means the priority for next of kin as provided in MPD General Order 401.08, or its successor directive.

““Serious use of force” means any:

“(1) Firearm discharges by a Metropolitan Police Department officer, with the exception of range and training incidents;

“(2) Head strikes by a Metropolitan Police Department officer with an impact weapon;

“(3) Uses of force by a Metropolitan Police Department officer:

“(A) Resulting in serious physical injury;

“(B) Resulting in a loss of consciousness, or that create a substantial risk of death, serious disfigurement, disability or impairment of the functioning of any body part or organ;

“(C) Involving the use of a prohibited technique, as that term is defined in section 3(6) of the Limitation on the Use of the Chokehold Act of 1985, effective January 25, 1986 (D.C. Law 6-77; D.C. Official Code § 5-125.02(6)); and

“(D) Resulting in a death; and

“(4) Incidents in which a Metropolitan Police Department canine bites a person.”.

SUBTITLE C. OFFICE OF POLICE COMPLAINTS REFORMS

Sec. 105. The Office of Citizen Complaint Review Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-208; D.C. Official Code § 5-1101 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 5-1101) is amended by adding new paragraphs (3A) and (3B) to read as follows:

342 “(3A) Members of the District of Columbia Housing Authority Police Department
343 (“DCHAPD”) are also authorized to make arrests, carry a firearm, and perform other functions
344 normally reserved for members of the Metropolitan Police Department. Since the powers of
345 DCHAPD officers closely resemble the powers of MPD officers, an effective system of police
346 oversight must include a process for resolving allegations concerning DCHAPD officers.

347 “(3B) Similarly, employees of the Office of the Inspector General (“OIG”) are
348 authorized to carry a firearm, make warrantless arrests for felony violations of the law, and serve
349 as affiants for search warrants. Again, since the powers of this specific class of OIG employees
350 have powers that closely resemble the powers of MPD officers, an effective system of police
351 oversight must include a process for resolving allegations concerning OIG employees conducting
352 felony investigations.”.

353 (b) The lead-in language of section 3 (D.C. Official Code § 5-1102) is amended by striking
354 the phrase “citizen complaints against police officers” and inserting the phrase “complaints against
355 law enforcement officers” in its place.

356 (c) Section 4 (D.C. Official Code § 5-1103) is amended as follows:

357 (1) New paragraphs (2A), (2B), and (2C) are added to read as follows:

358 “(2A) “DCHA” means the District of Columbia Housing Authority.

359 “(2B) “DCHAPD” means the District of Columbia Housing Authority Police
360 Department.

361 “(2C) “Designated agency principal” means:

362 “(A) The Police Chief, for cases in which the subject police officer or
363 employee is a member of the MPD;

364 “(B) The DCHA Director, for cases in which the subject police officer or
365 employee is a member of the DCHAPD; or

366 “(C) The Inspector General, for cases in which the subject police officer or
367 employee is a member of the OIG authorized to conduct felony investigations.”.

368 (2) A new paragraph (3B) is added to read as follows:

369 “(3B) “MPD” means the Metropolitan Police Department.”.

370 (3) A new paragraph (5) is added to read as follows:

371 “(5) “OIG” means the Office of the Inspector General.”.

372 (d) Section 5 (D.C. Official Code § 5–1104) is amended as follows:

373 (1) Subsection (a) is amended to read as follows:

374 “(a)(1) There is established a Police Complaints Board (“Board”). The Board shall be
375 composed of 9 members, which shall include one member from each Ward and one at-large
376 member, none of whom shall have a current or prior affiliation with law enforcement, including
377 being employed by a law enforcement agency or law enforcement union.

378 “(2) The Board members shall be District residents and represent the District’s
379 geographic, demographic, and cultural diversity.

380 “(3)(A) The members of the Board shall be appointed by the Mayor, subject to
381 confirmation by the Council.

382 “(B) The Mayor shall submit a nomination to the Council for a 90-day
383 period of review, excluding days of Council recess.

384 “(C) If the Council does not approve the nomination by resolution within
385 this 90-day review period, the nomination shall be deemed disapproved.”.

(2) Subsection (b) is amended by striking the phrase “The Mayor shall designate the chairperson of the Board, and may remove a member of the Board from office for cause.” and inserting the phrase “The Board shall select a chairperson from among its members. The Mayor may remove a member of the Board from office for cause.” in its place.

(3) Subsection (c) is amended by striking the number “3” and inserting the number “5” in its place.

(4) Subsection (d) is amended to read as follows:

“(d) The Board shall conduct periodic reviews of the complaint review process, and shall make recommendations, where appropriate, to the Mayor, the Council, and the designated agency principal concerning the status and the improvement of the complaint process and the management of the MPD and the DCHAPD affecting the incidence of police misconduct, such as the recruitment, training, evaluation, discipline, and supervision of police officers.”.

(5) Subsection (d-2) is amended as follows:

(A) Paragraph (1) is amended to read as follows:

“(1) The Board shall review the following with respect to the MPD, the DCHAPD, or the OIG:

“(A) The number, type, and disposition of complaints received, investigated, sustained, or otherwise resolved;

“(B) The race, national origin, gender, and age of the complainant, if known, and the subject officer or officers;

“(C) The proposed discipline and the actual discipline imposed on a law enforcement officer as a result of any sustained complaint;

408 “(D) All use of force incidents, serious use of force incidents, and serious
409 physical injury incidents; and

410 “(E) Any in-custody death.”.

411 (B) Paragraph (2) is amended by striking the phrase “have timely and
412 complete access to information” and inserting the phrase “have unfettered access to all
413 information” in its place.

414 ~~(CB)~~ Paragraph (3) is repealed.

415 (DE) Paragraph (4) is amended by striking the phrase “the MPD to” both
416 times it appears and inserting the phrase “the MPD, the DCHAPD, or the OIG to” in its place.

417 ~~(ED)~~ Paragraph (5) is amended by striking the phrase “the MPD” and
418 inserting the phrase “the MPD, the DCHAPD, or the OIG, respectively” in its place.

419 ~~(FE)~~ A new paragraph (7) is added to read as follows:

420 “(7) In its review of in-custody deaths described in paragraph (1)(E) of this
421 subsection, the Board shall issue findings related to, and recommendations in response to, each
422 death.”.

423 (6) Subsection (d-3)(2)(C) is amended by striking the phrase “citizen complaints”
424 and inserting the word “complaints” in its place.

425 (7) A new subsection (d-4) is added to read as follows:

426 “(d-4)(1) The Police Chief shall, prior to issuing a new, or amending an existing, written
427 directive, submit the new or amended written directive to the Board for feedback.

428 “(2) The Board shall, within ~~14~~ 15 business days of receipt of the new or amended
429 written directive, provide the Police Chief written feedback, which shall include consideration of
430 whether the proposed written directive:

431 “(A) Reduces the likelihood of confrontations between law enforcement
432 officers and residents and visitors;

433 “(B) Increases transparency, accountability, and procedural justice in
434 policing;

435 “(C) Promotes racial equity;

436 “(D) Increases public confidence in law enforcement agencies; and

437 “(E) Complies with local and federal law.

438 “(3) Notwithstanding paragraph (1) of this subsection, the Police Chief may issue
439 a new, or amend an existing, written directive prior to receiving feedback from the Board if ~~14~~ 15
440 business days have expired since the MPD submitted the proposed directive to the Board or the
441 Police Chief submits a written rationale to the Board explaining why an exigency exists.

442 “(4) For the purposes of this subsection, the term “written directives” means any
443 rules or regulations issued by the Mayor or Police Chief applicable to MPD employees including
444 general orders, special order, circulars, standard operating procedures, and bureau or division
445 orders, that are not purely administrative.”.

446 (e) Section 7 (D.C. Official Code § 5-1106) is amended as follows:

447 (1) Subsection (a) is amended to read as follows:

448 “(a)(1) The Executive Director shall employ qualified persons or utilize the services of
449 qualified volunteers, as necessary, to perform the work of the Office, including the investigation
450 of complaints.

451 “(2) The Executive Director may employ persons on a full-time or part-time basis,
452 or retain the services of contractors for the purpose of resolving a particular case or cases, as may

be determined by the Executive Director, except that complaint investigators may not be persons currently or formerly employed by the:

“(A) MPD;

“(B) DCHAPD; or

“(C) OIG, if the current or former employee was authorized to conduct felony investigations.

“(3) The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), shall apply to the Executive Director and other employees of the Office.”.

(2) Subsection (c) is amended to read as follows:

“(c)(1) Subject to approval of the Board, the Executive Director shall establish a pool of qualified persons who shall be assigned by the Executive Director to carry out the mediation and complaint determination functions set forth in this act.

“(2) In selecting a person to be a member of this pool, the Executive Director shall take into consideration each person’s education, work experience, competence to perform the functions required of a dispute mediator or complaint hearing examiner, and general reputation for competence, impartiality, and integrity in the discharge of his responsibilities.

“(3) No member of the pool shall be a current or former employee of the:

“(A) MPD;

“(B) DCHAPD; or

“(C) OIG, if the current or former employee was authorized to conduct felony investigations.”.

“ (4) For their services, the members of this pool shall be entitled to such compensation as the Executive Director, with the approval of the Board, shall determine; provided that the compensation shall be on a per-case basis, not a per-hour, basis.”.

(e) Section 8 (D.C. Official Code § 5-1107) is amended as follows:

(1) Subsection (a) is amended as follows:

(A) The lead-in language is amended by striking the phrase “a citizen complaint” and inserting the phrase “a complaint” in its place.

(B) Paragraph (5) is amended by striking the phrase “; or” and inserting a semicolon in its place.

(C) Paragraph (6) is amended by striking the period and inserting the phrase “; or” in its place.

(D) A new paragraph (7) is added to read as follows:

“(7) Recklessly making false statements in applications for search warrants, arrest warrants, or in sworn testimony before a court of competent jurisdiction.”.

(2) Subsection (a-1) is amended to read as follows:

“(a-1) If the MPD, the DCHAPD, or the OIG receives a complaint under subsection (a) of this section, the designated agency principal shall cause the complaint to be transmitted to the Office within 3 business days after receipt.”.

(3) Subsection (b) is amended by striking the phrase “to the Police Chief for further processing by the MPD or the District of Columbia Housing Authority Police Department (“DCHAPD”), as appropriate” and inserting the phrase “to the designated agency principal” in its place.

(4) Subsection (b-1) is amended by striking the phrase “the MPD or the HAPD a citizen complaint received” and inserting the phrase “the MPD, the DCHAPD, or the OIG, a complaint received” in its place.

(5) Subsection (d) is amended by striking the phrase “within 90 days” and inserting the phrase “within 120 days” in its place.

(6) Subsection (e) is amended to read as follows:

“(e) Each complaint shall be submitted ~~in writing~~ to the Office in any format that the Office determines will provide it with sufficient information to begin an investigation and may be:

“(1) Signed by the complainant; or

“(2) Submitted anonymously.”.

(7) Subsection (g) is amended as follow:

(A) The lead-in language is amended by striking the phrase “the complainant. Within” and inserting the phrase “the complainant, if known. Within” in its place.

(B) The paragraph (6) is amended by striking the phrase “the MPD or the HAPD” and inserting the phrase “the MPD, the DCHAPD, or the OIG” in its place.

(8) A new subsection (g-1) is added to read as follows:

“(g-1)(1) If the Executive Director discovers any evidence of abuse or misuse of police powers that was not alleged by the complainant in the complaint, the Executive Director may:

“(A) Initiate the Executive Director’s own complaint against the subject police officer; and

“(B) Take any of the actions described in subsection (g)(2) through (6) of this section.

519 “(2) Evidence of abuse or misuse of police powers includes circumstances in which
520 the subject police officer failed to:

521 “(A) Intervene in or subsequently report any use of force incident in which
522 the subject police officer observed another law enforcement officer utilizing excessive force or
523 engaging in any type of misconduct, pursuant to MPD General Order 901.07, its successor
524 directive, or a similar local or federal directive; or

525 “(B) Immediately report to their supervisor any violations of the rules and
526 regulations of the MPD committed by any other MPD officer, and each instance of their use of
527 force or a use of force committed by another MPD officer, pursuant to MPD General Order 201.26,
528 or any successor directive.”.

529 (9) Subsection (h) is amended to read as follows:

530 “(h)(1) The Executive Director shall notify in writing the complainant, if known, and the
531 subject police officer or officers of the action taken under subsection (g) or (g-1) of this section.

532 “(2) If the complaint is dismissed, the notice shall be accompanied by a brief
533 statement of the reasons for the dismissal, and the Executive Director shall notify the complainant,
534 if known, that the complaint may be brought to the attention of the designated agency principal,
535 who may direct that the complaint be investigated and that appropriate action be taken.”.

536 (10) Subsection (h-1) is amended by striking the phrase “The MPD and the HAPD
537 shall” and inserting the phrase “The MPD, the DCHAPD, and the OIG shall” in its place.

538 (11) Subsection (h-2)(4) is amended ~~to read~~ as follows:

539 (A) Paragraph (1) is amended to read as follows:

540 “(1) The Office shall have the authority to audit complaints referred to the MPD,
541 the DCHAPD, or the OIG for further action.”.

(B) Paragraph (2) is amended by striking the phrase “have timely and complete access to information” and inserting the phrase “have unfettered access to all information” in its place.

(12) Subsection (i) is repealed.

(13) Subsection (j) is amended to read as follows:

“(j) This act shall also apply to the DCHAPD, the OIG, and to any federal law enforcement agency that, pursuant to the Federal Law Enforcement Officer Cooperation Act of 1999, effective May 9, 2000 (D.C. Law 13-100; D.C. Official Code § 5-301 *et seq.*), has a cooperative agreement with the MPD that requires coverage by the Office; provided, that the Chief of the respective law enforcement department or agency or the designated agency principal, where applicable, shall perform the duties of the MPD Chief of Police for the members of their respective departments or agencies.”.

(f) Section 9 (D.C. Official Code § 5–1108) is amended to read follows:

“Sec. 9. Dismissal of complaint.

“(a) A complaint may be dismissed on the following grounds:

“(1) The complaint is deemed to lack merit;

“(2) The complainant, if known, refuses to cooperate with the investigation; or

“(3) If, after the Executive Director refers a complaint for mediation, the complainant, willfully fails to participate in good faith in the mediation process.

“(b) A complainant shall not be deemed to have refused to cooperate with the investigation solely because the complainant submitted a complaint anonymously as described in section 8(e)(2).”.

(g) Section 10(b) (D.C. Official Code § 5–1109(b)) is amended to read as follows:

565 “(b) The Executive Director shall give written notification of such referral to the:

566 “(1) Designated agency principal;

567 “(2) Complainant, if known; and

568 “(3) Subject officer or officers.”.

569 (h) Section 11 (D.C. Official Code § 5–1110) is amended as follows:

570 (1) Subsection (f) is amended by striking the phrase “the MPD as” and inserting the
571 phrase “the MPD, the DCHAPD, or the OIG as” in its place.

572 (2) Subsection (g) is amended by striking the phrase “Police Chief” both times it
573 appears and inserting the phrase “designated agency principal” in its place.

574 (3) Subsection (k) is amended by striking the phrase “Police Chief” both times it
575 appears and inserting the phrase “designated agency principal” in its place.

576 (i) Section 12 (D.C. Official Code § 5–1111) is amended as follows:

577 (1) Subsection (c) is amended to read as follows:

578 “(c)(1)(A) The Executive Director is authorized to cause the issuance of subpoenas under
579 the seal of the Superior Court of the District of Columbia compelling the complainant, the subject
580 officer or officers, witnesses, and other persons to respond to written or oral questions, or to
581 produce relevant documents or other evidence as may be necessary for the proper investigation
582 and determination of a complaint.

583 “(B) Notwithstanding subparagraph (A) of this paragraph, the Executive
584 Director shall not seek subpoenas against a complainant who submitted an application
585 anonymously as described in section 8(e)(2).

586 “(2)(A) The service of any such subpoena on a subject police officer or any other
587 employee of the MPD, the DCHAPD, or the OIG may be effected by service on the designated

agency principal or their designee, who shall deliver the subpoena to the subject police officer or employee.

“(B) The designated agency principal or their designee shall transmit the return of service to the Office.

“(3) Statements made pursuant to a subpoena shall be given under oath or affirmation.”.

(2) Subsection (d) is amended to read as follows:

“(d)(1)(A) Employees of the MPD, the DCHAPD, and the OIG shall cooperate fully with the Office in the investigation and adjudication of a complaint.

“(B) Upon notification by the Executive Director that an MPD, DCHAPD, or OIG employee has not cooperated as requested, the designated agency principal shall cause appropriate disciplinary action to be instituted against the employee, and shall notify the Executive Director of the outcome of such action.

“(2)(A) An employee of the MPD, the DCHAPD, or the OIG shall not retaliate, directly or indirectly, against a person who files a complaint under this act.

“(B) If a complaint of retaliation is sustained under this act, the subject police officer or employee shall be subject to appropriate penalty, including dismissal; provided, that such disciplinary action shall not be taken with respect to an employee’s invocation of the Fifth Amendment privilege against self-incrimination.”.

(3) Subsection (h) is amended to read as follows:

“(h)(1) Upon review of the investigative file and the evidence adduced at any evidentiary hearing, and in the absence of the resolution of the complaint by conciliation or mediation, the

complaint examiner shall make written findings of fact regarding all material issues of fact, and shall determine whether the facts found sustain or do not sustain each allegation of misconduct.

“(2) In making that determination, the complaint examiner may consider any MPD, DCHAPD, or OIG regulation, policy, or order that prescribes standards of conduct for law enforcement officers.

“(3) For the purposes of this act, these written findings of fact and determinations by the complaint examiner (collectively, the “merits determination”) may not be rejected unless they clearly misapprehend the record before the complaint examiner and are not supported by substantial, reliable, and probative evidence in that record.”.

(4) Subsection (i) is amended to read as follows:

“(i)(1)(A) If the complaint examiner determines that one or more allegations in the complaint is sustained, the Executive Director shall transmit the entire complaint file, including the merits determination of the complaint examiner and the Executive Director’s recommendation for the discipline to be imposed on the subject police officer, to the designated agency principal for appropriate action.

“(B) To assist the Executive Director in making an informed recommendation of the discipline to be imposed a subject police officer, the Executive Director shall have access to:

“(i) The most current Table of Offenses and Penalties Guide in General Order 120.21 (Disciplinary Procedures and Processes), or any successor document; and

“(ii) The subject police officer’s complete personnel file, including any record of prior misconduct and adverse or corrective action.

632 “(2) If the complaint examiner determines that no allegation in the complaint is
633 sustained, the Executive Director shall dismiss the complaint and notify the parties and the
634 designated agency principal in writing of such dismissal with a copy of the merits determination.”.

635 (f) Section 13 (D.C. Official Code § 5–1112) is amended as follows:

636 (1) Subsection (a) is amended by striking the phrase “the Police Chief shall” and
637 inserting the phrase “the designated agency principal shall” in its place.

638 (2) Subsection (b) is amended to read as follows:

639 “(b)(1) The review of the complaint file shall include a review of the personnel file of the
640 subject officer or officers, including any record of prior misconduct by the subject police officer
641 or officers and the Executive Director’s recommendation for the discipline to be imposed on the
642 subject police officer as described in section 12(i)(1)(A).

643 “(2)(A) Within 15 business ~~working~~ days after receiving the complaint file from
644 the designated agency principal, the reviewing officers shall make a written recommendation, with
645 supporting reasons, to the designated agency principal regarding an appropriate penalty from the
646 Table of Offenses and Penalties Guide in General Order 120.21 (Disciplinary Procedures and
647 Processes), or any successor document.

648 “(B) This recommendation may include a proposal for any additional action
649 by the designated agency principal not inconsistent with the intent and purpose of the complaint
650 review process.”.

651 (3) Subsection (c) is amended by striking the phrase “the Police Chief” and
652 inserting the phrase “the designated agency principal” in its place.

653 (4) Subsection (d) is amended to read as follows:

654 “(d)(1) Within 5 business ~~working~~ days after receiving the staff recommendation, the
655 designated agency principal shall notify the complainant, if known, and the subject police officer
656 or officers in writing of the staff recommendation and the Executive Director’s recommendation,
657 and shall afford the complainant and the subject police officer or officers reasonable time to file
658 with the designated agency principal a written response to the staff recommendation.

659 “(2) The designated agency principal shall consider the written responses received
660 from the complainant and the subject police officer or officers and the Executive Director’s
661 recommendation before taking final action with regard to the complaint.”.

662 (5) Subsection (e) is amended to read as follows:

663 “(e)(1) Within 15 business ~~working~~ days after receiving the written responses of the
664 complainant and the subject officer or officers, or within 15 business ~~working~~ days of the deadline
665 set for receipt of such responses, whichever is earlier, the designated agency principal shall issue
666 a decision as to the imposition of discipline upon the subject police officer or officers.

667 “(2) The designated agency principal’s decision shall be in writing and shall set
668 forth a concise statement of the reasons therefor, including the rationale for imposing or not
669 imposing the discipline recommended by the Executive Director.

670 “(3) The designated agency principal may not reject the merits determination, in
671 whole or in part.

672 “(4) The designated agency principal may not supplement the evidentiary record.”.

673 (6) Subsection (f) is amended by striking the phrase “Police Chief” both times it
674 appears and inserting the phrase “designated agency principal” in its place.

675 (7) Subsection (g) is amended as follows:

(A) The lead-in language is amended by striking the phrase “Police Chief” and inserting the phrase “designated agency principal” in its place.

(B) Paragraph (1) is amended by striking the phrase “Police Chief” and inserting the phrase “designated agency principal” in its place.

(C) Paragraph (2) is amended by striking the phrase “Police Chief” wherever it appears and inserting the phrase “designated agency principal” in its place.

(8) Subsection (h) is amended by striking the phrase “Police Chief” wherever it appears and inserting the phrase “designated agency principal” in its place.

SUBTITLE D. USE OF FORCE REVIEW BOARD MEMBERSHIP EXPANSION

Sec. 106. Use of Force Review Board; membership.

(a) There is established a Use of Force Review Board (“Board”), which shall review uses of force as set forth by the Metropolitan Police Department in its written directives.

(b) The Board shall consist of the following 13 voting members, and may include non-voting members at the Mayor’s discretion:

(1) Seven MPD members appointed by the Chief of Police who hold the rank of Inspector or above, or the civilian equivalent;

(2) Three civilian members appointed by the Mayor, pursuant to section 2(e) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(e)), with the following qualifications and no current or prior affiliation with law enforcement, including being employed by a law enforcement agency or law enforcement union:

(A) One member who has personally experienced the use of force by a law enforcement officer;

(B) One member of the District of Columbia Bar in good standing; and

699 (C) One District resident community member;

700 (3) Two civilian members appointed by the Council with the following

701 qualifications and no current or prior affiliation with law enforcement, including being employed

702 by a law enforcement agency or law enforcement union:

703 (A) One member with subject matter expertise in criminal justice policy;

704 and

705 (B) One member with subject matter expertise in law enforcement oversight

706 and the use of force; and

707 (4) The Executive Director of the Office of Police Complaints, or their designee.

708 Sec. 107. Section 2(e) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law

709 2-142; D.C. Official Code § 1-523.01(e)), is amended as follows:

710 (a) Paragraph (38) is amended by striking the phrase “; and” and inserting a semicolon in

711 its place.

712 (b) Paragraph (39) is amended by striking the period and inserting the phrase “; and” in its

713 place.

714 (c) A new paragraph (40) is added to read as follows:

715 “(40) Use of Force Review Board, established by section 106 of the Comprehensive

716 Policing and Justice Reform Amendment Act of 2022, as approved by the Committee on the

717 Judiciary and Public Safety on November 30, 2022 (Committee print of Bill 24-320).”.

718 SUBTITLE E. ANTI-MASK LAW REPEAL

719 Sec. 108. The Anti-Intimidation and Defacing of Public or Private Property Criminal

720 Penalty Act of 1982, effective March 10, 1983 (D.C. Law 4-203; D.C. Official Code § 22-3312 *et*

721 *seq.*), is amended as follows:

(a) Section 4 (D.C. Official Code § 22-3312.03) is repealed.

(b) Section 5(b) (D.C. Official Code § 22-3312.04(b)) is amended by striking the phrase “or section 4 shall be” and inserting the phrase “shall be” in its place.

Sec. 109. Section 23-581(a-3) of the District of Columbia Official Code is amended by striking the phrase “sections 22-3112.1, 22-3112.2, and 22-3112.3” and inserting the phrase “§§ 22-3312.01 and 22-3312.02” in its place.

SUBTITLE F. LIMITATIONS ON CONSENT SEARCHES

Sec. 110. Subchapter II of Chapter 5 of Title 23 of the District of Columbia Official Code is amended by adding a new section 23-526 to read as follows:

“§ 23–526. Limitations on consent searches.

“(a) For the purposes of this section, the term “consent search” means a search of a person, vehicle, home, or property:

“(1) Based solely on the subject’s consent to that search;

“(2) Not executed pursuant to a warrant; and

“(3) Not conducted pursuant to an applicable exception to the warrant requirement as described in United States or District of Columbia case law, excluding the exception for consent searches.

“(b) When seeking to perform a consent search, sworn members of District Government law enforcement agencies shall:

“(1) Prior to the search of a person, vehicle, home, or property:

“(A) Explain, using plain and simple language delivered in a calm demeanor, that the subject of the search is being asked to voluntarily, knowingly, and intelligently consent to a search;

745 “(B) Advise the subject that:

746 “(i) A search will not be conducted if the subject refuses to provide

747 consent to the search; and

748 “(ii) The subject has a legal right to decline to consent to the search;

749 “(C) Obtain consent to search without threats or promises of any kind being

750 made to the subject;

751 “(D) Confirm that the subject understands the information communicated

752 by the officer; and

753 “(E) Use interpretation services when seeking consent to conduct a search

754 of a person who:

755 “(i) Cannot adequately understand or express themselves in spoken

756 or written English; or

757 “(ii) Is deaf or hard of hearing; and

758 “(2) If the sworn member is unable to obtain consent from the subject, refrain from

759 conducting the search.

760 “(c) The requirements of subsection (b) of this section shall not apply to searches executed

761 pursuant to a warrant or conducted pursuant to an applicable exception to the warrant requirement.

762 “(d)(1) If a defendant or juvenile respondent moves to suppress any evidence obtained in

763 the course of the search for an offense prosecuted in the Superior Court of the District of Columbia,

764 the court shall consider an officer’s failure to comply with the requirements of this section as a

765 factor in determining the voluntariness of the consent.

“ (2) There shall be a presumption that a search was nonconsensual if the evidence of consent, including the warnings required in subsection (b) of this section, is not captured on body-worn camera or provided in writing.

“(e) Nothing in this section shall be construed to create a private right of action.”.

SUBTITLE G. MANDATORY CONTINUING EDUCATION EXPANSION;
RECONSTITUTING THE POLICE OFFICERS STANDARDS AND TRAINING BOARD

Sec. 111. Title II of the Metropolitan Police Department Application, Appointment, and Training Requirements of 2000, effective October 4, 2000 (D.C. Law 13-160; D.C. Official Code § 5-107.01 *et seq.*), is amended as follows:

(a) Section 203(b) (D.C. Official Code § 5-107.02(b)) is amended as follows:

(1) Paragraph (2) is amended by striking the phrase “biased-based policing” and inserting the phrase “biased-based policing, racism, and white supremacy” in its place.

(2) Paragraph (3) is amended to read as follows:

“(3) Limiting the use of force and employing de-escalation tactics;”.

(3) Paragraph (4) is amended to read as follows:

“(4) Prohibited techniques, as that term is defined in section 3(6) of the Limitation on the Use of the Chokehold Act of 1985, effective January 25, 1986 (D.C. Law 6-77; D.C. Official Code § 5-125.02(6));”.

(4) Paragraph (5) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(5) Paragraph (6) is amended by striking the period and inserting a semicolon in its place.

(6) New paragraphs (7) and (8) are added to read as follows:

789 “(7) The constitutional requirements for conducting searches and seizures,
790 including the use of protective pat-downs, and the limitations on the use of consent searches, as
791 described in D.C. Official Code § 23-526; and

792 “(8) The duty of a sworn officer to report, and the method for reporting, suspected
793 misconduct or excessive use of force by a law enforcement officer that a sworn member observes
794 or that comes to the sworn member’s attention, as well as any governing District laws and
795 regulations and Department written directives.”.

796 (b) Section 204 (D.C. Official Code § 5-107.03) is amended as follows:

797 (1) Subsection (a) is amended by striking the phrase “the District of Columbia
798 Police” and inserting the phrase “the Police” in its place.

799 (2) Subsection (b) is amended as follows:

800 (A) The lead-in language is amended by striking the phrase “11 persons”
801 and inserting the phrase “15 persons” in its place.

802 (B) A new paragraph (2A) is added to read as follows:

803 “(2A) Executive Director of the Office of Police Complaints or the Executive
804 Director’s designee;”.

805 (C) Paragraph (3) is amended to read as follows:

806 “(3) The Attorney General for the District of Columbia or the Attorney General’s
807 designee;”.

808 (D) Paragraph (8) is amended by striking the period and inserting the phrase
809 “; and” in its place.

810 (E) Paragraph (9) is amended to read as follows:

811 “(9) Five community representatives appointed by the Mayor, one each with
812 expertise in the following areas:

813 “(A) Oversight of law enforcement;

814 “(B) Juvenile justice reform;

815 “(C) Criminal defense;

816 “(D) Gender-based violence or LGBTQ social services, policy, or
817 advocacy; and

818 “(E) Violence prevention or intervention.”.

819 (3) Subsection (i) is amended by striking the phrase “promptly after the
820 appointment and qualification of its members” and inserting the phrase “by September 1, 2020” in
821 its place.

822 (c) Section 205(a) (D.C. Official Code § 5-107.04(a)) is amended as follows:

823 (1) Paragraph (1) is amended by striking the phrase “a citizen of the United States”
824 and inserting the phrase “a citizen or national of, or person lawfully admitted for permanent
825 residence in, the United States” in its place.

826 (2) Paragraph (10) is amended by striking the phrase “; and” and inserting a
827 semicolon in its place.

828 (3) Paragraph (11) is amended by striking the period and inserting the phrase “;
829 and” in its place.

830 (4) A new paragraph (12) is added to read as follows:

831 “(12) If the applicant has prior service with another law enforcement or public
832 safety agency in the District or another jurisdiction, information on any alleged or sustained
833 misconduct or discipline imposed by that law enforcement or public safety agency.”.

SUBTITLE H. IDENTIFICATION OF MPD OFFICERS DURING FIRST
AMENDMENT ASSEMBLIES AS LOCAL LAW ENFORCEMENT

Sec. 112. Section 109 of the First Amendment Assemblies Act of 2004, effective April 13, 2005 (D.C. Law 15-352; D.C. Official Code § 5-331.09), is amended to read as follows:

“(a) MPD shall:

“(1) Implement a method for enhancing the visibility to the public of the name and badge number of District law enforcement officers policing a First Amendment assembly by modifying the manner in which those officers’ names and badge numbers are affixed to the officers’ uniforms or helmets; and

“(2) Ensure that all uniformed District law enforcement officers assigned to police First Amendment assemblies are equipped with the enhanced identification and may be identified even if wearing riot gear.

“(b) During a First Amendment assembly, the uniforms and helmets of District law enforcement officers policing the assembly shall prominently identify the officers’ affiliation with a District law enforcement agency.”.

SUBTITLE I. PRESERVING THE RIGHT TO JURY TRIAL

Sec. 113. Section 16-705(b)(1) of the District of Columbia Official Code is amended as follows:

(a) Subparagraph (A) is amended by striking the phrase “; or” and inserting a semicolon in its place.

(b) Subparagraph (B) is amended by striking the phrase “; and” and inserting the phrase “; or” in its place.

(c) A new subparagraph (C) is added to read as follows:

857 “(C)(i) The defendant is charged with an offense under:
858 “(I) Section 806(a)(1) of An Act To establish a code of law
859 for the District of Columbia, approved March 3, 1901 (31 Stat. 1322; D.C. Official Code § 22–
860 404(a)(1));
861 “(II) Section 432a of the Revised Statutes of the District of
862 Columbia (D.C. Official Code § 22–405.01); or
863 “(III) Section 2 of An Act To confer concurrent jurisdiction
864 on the police court of the District of Columbia in certain cases, approved July 16, 1912 (37 Stat.
865 193; D.C. Official Code § 22–407); and
866 “(ii) The person who is alleged to have been the victim of the offense
867 is a law enforcement officer, as that term is defined in section 432(a) of the Revised Statutes of
868 the District of Columbia (D.C. Official Code § 22–405(a)); and”.

869 SUBTITLE J. REPEAL OF FAILURE TO ARREST CRIME

870 Sec. 114. Section 400 of the Revised Statutes of the District of Columbia (D.C. Official
871 Code § 5-115.03), is repealed.

872 SUBTITLE K. AMENDING MINIMUM STANDARDS FOR POLICE OFFICERS

873 Sec. 115. Section 202 of the Omnibus Police Reform Amendment Act of 2000, effective
874 October 4, 2000 (D.C. Law 13-160; D.C. Official Code § 5-107.01), is amended by adding a new
875 subsection (f) to read as follows:

876 “(f) An applicant shall be ineligible for appointment as a sworn member of the
877 Metropolitan Police Department if the applicant:

878 “(1) Was previously determined by a law enforcement agency to have committed
879 serious misconduct, as determined by the Chief by General Order;

880 “(2) Was previously terminated or forced to resign for disciplinary reasons from
881 any commissioned, recruit, or probationary position with a law enforcement agency; or

882 “(3) Previously resigned from a law enforcement agency to avoid potential,
883 proposed, or pending adverse disciplinary action or termination.”.

884 SUBTITLE L. POLICE ACCOUNTABILITY AND COLLECTIVE BARGAINING
885 AGREEMENTS

886 Sec. 116. The District of Columbia Government Comprehensive Merit Personnel Act of
887 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), is
888 amended as follows:

889 (a) Section 801(d) (D.C. Official Code 1-608.01(d)) is amended to read as follows:

890 “(d) The Mayor may issue separate rules and regulations concerning the personnel system
891 affecting members of the uniform services of the Fire and Emergency Medical Services
892 Department (“FEMS”) which may provide for a probationary period of at least one year. Other
893 such separate rules and regulations may only be issued to carry out provisions of this act which
894 accord such member of the uniform services of FEMS separate treatment under this act. Such
895 separate rules and regulations are not a bar to collective bargaining during the negotiation process
896 between the Mayor and the recognized labor organizations for FEMS, but shall be within the
897 parameters of section 708.”.

898 (b) Section 1708 (D.C. Official Code § 1-617.08) is amended by adding a new subsection

899 (c) to read as follows:

900 “(c)(1) All matters pertaining to the discipline of sworn law enforcement personnel shall
901 be retained by management and not be negotiable through bargaining, including substantive or
902 impacts-and-effects bargaining.

““(2)(A) This subsection shall apply to any collective bargaining agreements entered into with the Fraternal Order of Police/Metropolitan Police Department Labor Committee after September 30, 2020, and to any collective bargaining agreements automatically renewed on or after September 30, 2020.”.

~~“(B) The negotiated grievance process shall only be applied to the discipline of sworn law enforcement personnel for matters in which the Metropolitan Police Department has issued a final agency decision.”.~~

SUBTITLE M. OFFICER DISCIPLINE REFORMS

Sec. 117. Section 502 of the Omnibus Public Safety Agency Reform Amendment Act of 2004, effective September 30, 2004 (D.C. Law 15-194; D.C. Official Code § 5-1031), is amended as follows:

(a) Subsection (a-1) is repealed.

(b) Subsection (b) is amended to read as follows:

“(b) If the act or occurrence allegedly constituting cause is the subject of a criminal investigation by the Metropolitan Police Department or any law enforcement or prosecuting agency with jurisdiction within the United States, the Office of the United States Attorney for the District of Columbia, or the Office of the Attorney General, or is the subject of an investigation by the Office of the Inspector General or the Office of the District of Columbia Auditor, the 90-day period for commencing a corrective or adverse action under subsection (a) of this section shall be tolled until the conclusion of the investigation.

(c) A new subsection (c) is added to read as follows:

“(c)(1) MPD shall publish, on a publicly accessible website, a schedule of adverse action hearings for cases in which the proposed discipline is termination.

926 “(2) The schedule shall include the following information:
927 “(A) The date, time, and location of the hearing;
928 “(B) The name and badge number of the subject officer; and
929 “(C) A summary of the alleged misconduct or charges against the subject
930 officer.”.

931 Sec. 118. Section 6-A1001.5 of Chapter 10 of Title 6 of the District of Columbia Municipal
932 Regulations is amended by striking the phrase “reduce the penalty” and inserting the phrase
933 “reduce or increase the penalty” in its place.

934 SUBTITLE N. USE OF FORCE REFORMS

935 Sec. 119. Use of deadly force.

936 (a) For the purposes of this section, the term:

937 (1) “Deadly force” means any force that is likely or intended to cause serious bodily
938 injury or death.

939 (2) “Deadly weapon” means any object, other than a body part or stationary object,
940 that in the manner of its actual, attempted, or threatened use, is likely to cause serious bodily injury
941 or death.

942 (3) “Serious bodily injury” means extreme physical pain, illness, or impairment of
943 physical condition, including physical injury, that involves:

944 (A) A substantial risk of death;

945 (B) Protracted and obvious disfigurement;

946 (C) Protracted loss or impairment of the function of a bodily member or
947 organ; or

948 (D) Protracted loss of consciousness.

(b) A law enforcement officer shall not use deadly force against a person unless:

(1) The law enforcement officer actually and reasonably believes that deadly force is immediately necessary to protect the law enforcement officer or another person, other than the subject of the use of deadly force, from the threat of serious bodily injury or death;

(2) The law enforcement officer's actions are reasonable, given the totality of the circumstances; and

(3) All other options have been exhausted or do not reasonably lend themselves to the circumstances.

(c) In any grand jury, criminal, delinquency, or civil proceeding where an officer's use of deadly force is a material issue, the trier of fact shall consider:

(1) The reasonableness of the law enforcement officer's belief and actions from the perspective of a reasonable law enforcement officer; and

(2) The totality of the circumstances, which shall include:

(A) Whether the subject of the use of deadly force:

(i) Possessed or appeared to possess a deadly weapon; and

(ii) Refused to comply with the law enforcement officer's lawful order to surrender an object believed to be a deadly weapon prior to the law enforcement officer using deadly force;

(B) Whether the law enforcement officer, or another law enforcement officer in close proximity, engaged in reasonable de-escalation measures prior to the use of deadly force, including taking cover, requesting support from available mental health, behavioral health, or social workers, waiting for back-up, trying to calm the subject of the use of force, or, if feasible, using non-deadly force prior to the use of deadly force; and

972 (C) Whether any conduct by the law enforcement officer prior to the use of
973 deadly force unreasonably increased the risk of a confrontation resulting in deadly force being
974 used.

975 SUBTITLE O. RESTRICTIONS ON THE PURCHASE AND USE OF MILITARY
976 WEAPONRY

977 Sec. 120. Limitations on military weaponry acquired by District law enforcement agencies.

978 (a) Beginning in Fiscal Year 2021, District law enforcement agencies shall not acquire the
979 following property through any program operated by the federal government:

980 (1) Ammunition of .50 caliber or higher;

981 (2) Armed or armored vehicles, including aircraft and watercraft;

982 (3) Bayonets;

983 (4) Explosives or pyrotechnics, including grenades;

984 (5) Firearm silencers;

985 (6) Firearms of .50 caliber or higher;

986 (7) Objects designed or capable of launching explosives or pyrotechnics, including
987 grenade launchers, firearms, and firearms accessories; and

988 (8) Remotely piloted, powered aircraft without a crew aboard, including drones.

989 (b) If a District law enforcement agency:

990 (1) Requests property through a program operated by the federal government, the
991 District law enforcement agency shall publish notice of the request on a publicly accessible website
992 within 14 days after the date of the request; or

(2) Acquires property through a program operated by the federal government, the District law enforcement agency shall publish notice of the acquisition on a publicly accessible website within 14 days after the date of the acquisition.

(c) Within 180 days after the effective date of the Comprehensive Policing and Justice Reform Second Emergency Amendment Act of 2020, effective July 22, 2020 (D.C. Act 23-336; 67 DCR 9148), District law enforcement agencies shall:

(1) Return or dispose of any property described in subsection (a) of this section that the agencies currently possess; and

(2) Publish an inventory of the property returned or disposed of as described in paragraph (1) of this subsection on a publicly accessible website.

SUBTITLE P. LIMITATIONS ON THE USE OF INTERNATIONALLY BANNED CHEMICAL WEAPONS, RIOT GEAR, AND LESS-LETHAL PROJECTILES

Sec. 121. The First Amendment Assemblies Act of 2004, effective April 13, 2005 (D.C. Law 15-352; D.C. Official Code § 5-331.01 *et seq.*), is amended as follows:

(a) Section 102 (D.C. Official Code § 5-331.02) is amended as follows:

(1) Paragraphs (1) and (2) are redesignated as paragraphs (2) and (5), respectively.

(2) A new paragraph (1) is added to read as follows:

“(1) “Chemical irritant” means any:

“(A) Chemical that can rapidly produce sensory irritation or disabling physical effects in humans, which are meant disappear within a short time following termination of exposure, including tear gas; or

1014 “(B) Substance prohibited by the Convention on the Prohibition of the
1015 Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction,
1016 effective April 29, 1997, for law enforcement purposes or as a method of warfare.”.

1017 (3) New paragraphs (3) and (4) are added to read as follows:

1018 “(3) “Less-lethal projectile” means any munition that can cause bodily injury or
1019 death through the transfer of kinetic energy and blunt force trauma, including rubber or foam-
1020 covered bullets and stun grenades.

1021 “(4) “Less-lethal weapons” means:

1022 “(A) Chemical irritants; and

1023 “(B) Less-lethal projectiles.”.

1024 (b) Section 103 (D.C. Official Code § 5–331.03) is amended to read as follows:

1025 “Sec. 103. Policy on First Amendment assemblies.

1026 “‘It is the declared public policy of the District of Columbia that:

1027 “(1) Persons and groups have a right to organize and participate in peaceful First
1028 Amendment assemblies on the streets, sidewalks, and other public ways, and in the parks of the
1029 District of Columbia, and to engage in First Amendment assembly near the object of their protest
1030 so they may be seen and heard, subject to reasonable restrictions designed to protect public safety,
1031 persons, and property, and to accommodate the interest of persons not participating in the
1032 assemblies to use the streets, sidewalks, and other public ways to travel to their intended
1033 destinations, and use the parks for recreational purposes; and

1034 “(2) MPD shall not engage in mass arrests of groups that include First Amendment
1035 assemblies or that began as a First Amendment assembly unless MPD:

1036 “(A) Determines that the assembly has transformed, in substantial part or in
1037 whole, into an activity subject to dispersal or arrest; and

1038 “(B) Has issued an order to disperse as described in section 107(e) and (e-
1039 1).”.

1040 (c) Section 107 (D.C. Official Code § 5–331.07) is amended as follows:

1041 (1) Subsection (b)(2) is amended by striking the phrase “or property.” and inserting
1042 the phrase “or property; provided, that there is individualized probable cause for arrest.” in its
1043 place.

1044 (2) Subsection (c) is amended by striking the phrase “by dispersing, controlling, or
1045 arresting the persons engaging in such conduct” and inserting the phrase “by identifying and
1046 dispersing, controlling, or arresting the particular persons engaging in such conduct” in its place.

1047 (3) Subsection (e) is amended to read as follows:

1048 “(e) If the MPD determines that a lawful First Amendment assembly, any other assembly,
1049 riot, or part thereof, should be dispersed, the MPD shall:

1050 “(1) Where there:

1051 “(A) Is not an imminent danger of bodily injury or significant damage to
1052 property, issue at least three clearly audible and understandable orders to disperse using an
1053 amplification system or device, waiting at least 2 minutes between the issuance of each warning;
1054 or

1055 “(B) Is imminent danger of bodily injury or significant damage to property,
1056 issue at least one clearly audible and understandable order to disperse using an amplification
1057 system or device;

1058 “(2) Provide the participants a reasonable and adequate time to disperse and a clear
1059 and safe route for dispersal; and

1060 “(3) Capture on body-worn camera each component of the order to disperse
1061 described in subsection (e-1) of this section.”.

1062 (4) New subsections (e-1) and (e-2) are added to read as follows:

1063 “(e-1) An order to disperse shall:

1064 “(1) Be authorized by an official at the rank of Lieutenant or above;

1065 “(2) Inform the persons to be dispersed of the law, regulation, or policy that they
1066 have violated that serves as the basis for the order to disperse:

1067 “(3) Warn the persons to be dispersed that they may be arrested if they do not obey
1068 the dispersal order or abandon their illegal activity; and

1069 “(4) Identify reasonable exit paths for participants to use to leave the area that will
1070 be dispersed.

1071 “(e-2) When dispersing a First Amendment assembly, any other assembly, riot, or part
1072 thereof, MPD shall, to the extent possible:

1073 “(1) Position all arresting officers at the rear of the crowd so they can hear the order
1074 to disperse; and

1075 “(2) Have the arresting officers positioned at the rear of the crowd provide verbal
1076 confirmation or a physical indication that the warnings were audible.”.

1077 (c) Section 116 (D.C. Official Code § 5-331.16) is amended to read as follows:

1078 “Sec. 116. Use of riot gear, chemical irritants, or less-lethal projectiles; reporting
1079 requirements.

1080 “(a) For the purposes of this section:

1081 “(1) “Bodily injury” means physical pain, physical injury, illness, or impairment of
1082 physical condition.

1083 “(2) “Significant bodily injury” means a bodily injury that, to prevent long-term
1084 physical damage or to abate severe pain, requires hospitalization or immediate medical treatment
1085 beyond what a layperson can personally administer, and, in addition, the following injuries
1086 constitute at least a significant bodily injury: a fracture of a bone; a laceration that is at least one
1087 inch in length and at least one quarter of an inch in depth; a burn of at least second degree severity;
1088 a brief loss of consciousness; a traumatic brain injury; and a contusion, petechia, or other bodily
1089 injury to the neck or head sustained during strangulation or suffocation.

1090 “(b) Law enforcement officers shall not be deployed in riot gear unless:

1091 “(1) The on-scene Incident Commander believes there is an impending risk to law
1092 enforcement officers of significant bodily injury;

1093 “(2) The deployment is not being used to disperse a First Amendment assembly and
1094 is consistent with the District’s policy on First Amendment assemblies;

1095 “(3) The deployment of officers in riot gear is reasonable, given the totality of the
1096 circumstances; and

1097 “(4) All other options have been exhausted or do not reasonably lend themselves to
1098 the circumstances.

1099 “(c) Law enforcement officers shall not deploy less-lethal weapons at a First Amendment
1100 Assembly, any other assembly, or riot unless:

1101 “(1) The law enforcement officer actually and reasonably believes that the
1102 deployment of less-lethal weapons is immediately necessary to protect the law enforcement officer
1103 or another person from the threat of bodily injury or damage to property;

1104 “(2) The deployment of less-lethal weapons is not being used to disperse a lawful
1105 First Amendment assembly and is consistent with the District’s policy on First Amendment
1106 assemblies;

1107 “(3) The law enforcement officer has received training on the proper use, in the
1108 context of crowds, of the specific type of less-lethal weapons deployed ~~in the context of crowds~~;

1109 “(4) The law enforcement officer’s actions are reasonable, given the totality of the
1110 circumstances; and

1111 “(5) All other options have been exhausted or do not reasonably lend themselves to
1112 the circumstances.

1113 “(d) In any grand jury, criminal, delinquency, or civil proceeding where an officer’s use of
1114 riot gear or less-lethal weapons is a material issue, the trier of fact shall consider:

1115 “(1) The reasonableness of the law enforcement officer’s belief and actions from
1116 the perspective of a reasonable law enforcement officer; and

1117 “(2) The totality of circumstances, which shall include whether:

1118 “(A) The law enforcement officer, or another law enforcement officer in
1119 close proximity, engaged in reasonable de-escalation measures prior to the deployment of less-
1120 lethal weapons or riot gear, including issuing an order to disperse and providing individuals a
1121 reasonable opportunity to disperse, as described in section 107(e) and (e-1);

1122 “(B) Any conduct by the law enforcement officer prior to the deployment
1123 of less-lethal weapons or riot gear unreasonably increased the risk of a confrontation resulting in
1124 less-lethal weapons being deployed;

1125 “(C) The use of less-lethal weapons was limited to the people for whom
1126 MPD had individualized probable cause for arrest; and

1127 “(D) The less-lethal weapon was deployed in a frequency, manner, and
1128 intensity that is objectively reasonable.

1129 “(e) Following any deployment of officers in riot gear as described in subsection (b) of this
1130 section, the deployment of less-lethal weapons as described in subsection (c) of this section, or
1131 upon request by the Chairperson of the Council Committee with jurisdiction over the Metropolitan
1132 Police Department:

1133 “(1) The highest ranking official at the scene of the deployment shall make a written
1134 report to the Chief of Police, within five business days after the deployment, that describes the
1135 deployment of riot gear or less-lethal weapons, including, where applicable and if known:

1136 “(A) The number of officers deployed in riot gear;

1137 “(B) The number of officers who deployed less-lethal weapons;

1138 “(C) The type, quantity, and amount of less-lethal weapons deployed;

1139 “(D) The number of people against whom any ~~other~~ use of force was
1140 deployed;

1141 “(E) The justification for the deployment of officers in riot gear, the
1142 deployment of less-lethal weapons, or any other uses of force; and

1143 “(F) Whether the deployment of officers in riot gear, or the deployment of
1144 less-lethal weapons or any other uses of force, met the requirements of this act; and

1145 “(2) MPD shall publish the report on a publicly accessible website within ~~ten~~ 10
1146 business days after the deployment.

1147 “(3) If MPD cannot post a report in compliance with section 116(e)(2), MPD will
1148 post an explanation of the delay within 10 ~~ten~~ ~~(10)~~ business days.

“ (f) The Mayor shall request that any federal law enforcement agency operating in the District follow the requirements of this section.”.

Sec. 122. Section 901 of An Act relating to crime and criminal procedure in the District of Columbia, effective December 27, 1967 (81 Stat. 742; D.C. Official Code § 22-1322), is amended by adding a new section (e) to read as follows:

“(e) A law enforcement officer’s failure to comply with the requirements of section 107 of the First Amendment Assemblies Act of 2004, effective April 13, 2005 (D.C. Law 15-352; D.C. Official Code § 5-331.07), shall be a defense in prosecutions for violations of subsection (b) or (c) of this section.”.

Sec. 123. Limitations on less-lethal weapons acquired by District law enforcement agencies; reporting requirements.

(a) ~~If a District law enforcement agency seeks to purchase or acquire less lethal weapons, as that term as defined in section 102(4) of the First Amendment Assemblies Act of 2004, effective April 13, 2005 (D.C. Law 15-352; D.C. Official Code § 5-331.02(4)), the District law enforcement agencies~~ agency shall maintain the following information regarding ~~its use of~~ any less-lethal weapons in their inventory on a publicly accessible website:

(1) A description of the less-lethal weapons ~~in its inventory sought~~, including:

(A) How the less-lethal weapon is used or deployed;

(B) The physiological and psychological effect the less-lethal weapon has on people; and

(C) Whether the less-lethal weapon is indiscriminate in nature or if it can be targeted at specific individuals in a crowd;

(2) Any technical documentation issued or published by the manufacturer or distributor of the less-lethal weapon;

(3) An explanation for the law enforcement agency's ~~expected~~ need for the less-lethal weapon;

(4) A description of the personnel who will use, be equipped with, or have access to the less-lethal weapons ~~sought~~;

(5) A description of the training those personnel have or will receive on how to use or deploy the less-lethal weapon, including how the training addresses the requirements of the First Amendment Assemblies Act of 2004, effective April 13, 2005 (D.C. Law 15-352; D.C. Official Code § 5-331.01 *et seq.*); and

~~(6) The number, quantity, or amount of less-lethal weapons sought; and~~

~~(67) The unit price and total price of the less-lethal weapons sought.~~

(b) Before acquiring a new type of less-lethal weapon, MPD ~~will post~~ shall publish on a publicly accessible website the information described in subsection (a)(1) at least 28 days prior to ~~the~~ acquiring or purchasing the new type of less-lethal weapon.

SUBTITLE Q. EVALUATING BIAS IN THREAT ASSESSMENTS.

Sec. 124. Section 5 of the Office of Citizen Complaint Review Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-208; D.C. Official Code § 5-1104), is amended by adding a new subsection (d-5) to read as follows:

“(d-5)(1) The Executive Director, or an entity selected by the Executive Director, shall conduct a study to determine whether the Metropolitan Police Department (“MPD”) engaged in biased policing when it conducted threat assessments before or during assemblies within the District.

1194 “(2) At a minimum, the study shall:

1195 “(A) Examine MPD’s use of threat assessments before or during assemblies

1196 in the District from January 2017 through January 2021;

1197 “(B) Determine whether MPD engaged in biased policing when they

1198 conducted threat assessments before or during assemblies in the District from January 2017

1199 through January 2021;

1200 “(C) Provide a detailed analysis of MPD’s response to each assembly in the

1201 District between January 2017 through January 2021, including:

1202 “(i) Number of arrests made;

1203 “(ii) Number of civilian and officer injuries;

1204 “(iii) Type of injuries;

1205 “(iv) Number of fatalities;

1206 “(v) Number of officers deployed;

1207 “(vi) What type of weaponry and crowd control tactics were used;

1208 “(vii) Whether riot gear was used; and

1209 “(viii) Whether any of the individuals involved in the assembly were

1210 on the Federal Bureau of Investigation’s terrorist watchlist;

1211 “(D) If there is a finding that biased policing has occurred, determine

1212 whether MPD’s response varied based on the race, color, religion, sex, national origin, or gender

1213 of those engaged in the assembly; and

1214 “(E) Provide recommendations based on the findings in the study,

1215 including:

1216 “(i) If biased policing occurred, how to prevent bias from impacting
1217 whether MPD conducts a threat assessment and how to ensure bias does not impact a threat
1218 assessment going forward;

1219 “(ii) If biased policing has not been found to have occurred, how to
1220 ensure that there is not a disparity in MPD’s response to all assemblies across all groups, of
1221 proportionate size and characteristics, in the District in the future; or

1222 “(iii) If the study is inconclusive on the occurrence of biased
1223 policing, what additional steps must be taken to reach a conclusion.

1224 “(3) Any collaborating outside partners shall meet the following criteria:

1225 “(A) Be nonpartisan;

1226 “(B) Have expertise and knowledge of law enforcement practices in the
1227 District, bias in policing, homegrown domestic terrorism in the United States, and intelligence data
1228 sharing practices;

1229 “(C) Have a history of conducting studies and evaluations of law
1230 enforcement procedures, regulations, and practices; and

1231 “(D) Have experience developing solutions to policy or legal challenges.

1232 “(4) The Executive Director shall submit a report on the study to the Council no
1233 later than 12 months after the effective date of the Comprehensive Policing and Justice Reform
1234 Amendment Act of 2022, as approved by the Committee on the Judiciary and Public Safety on
1235 November 30, 2022 (Committee print of Bill 24-320).”.

1236 SUBTITLE R. PREVENTING WHITE SUPREMACY IN POLICING.

1237 Sec. 125. Definitions.

1238 For the purposes of this subtitle, the term:

1239 (1) “Hate group” means an organization or group of individuals whose goals,
1240 activities, and advocacy are primarily or substantially based on a shared antipathy, hatred, hostility,
1241 or violence towards people of one or more other different races, ethnicities, religions, nationalities,
1242 genders, or sexual or gender identities.

1243 (2) “MPD” means the Metropolitan Police Department.

1244 (3) “ODCA” means the Office of the District of Columbia Auditor.

1245 (4) “White supremacy” means a hate group whose shared antipathy, hatred,
1246 hostility, or violence is based on the belief that white people are innately superior to other races.

1247 Sec. 126. White supremacy in policing assessment and recommendations.

1248 (a) ODCA and any entities selected by the District of Columbia Auditor (“D.C. Auditor”)
1249 shall cause to be conducted a comprehensive assessment of whether MPD officers have ties to
1250 white supremacist or other hate groups that may affect the officers’ ability to carry out their duties
1251 properly and fairly or may undermine public trust in MPD.

1252 (b) In conducting the assessment, the ODCA or the entities selected by the D.C. Auditor
1253 shall:

1254 (1) Investigate MPD officers’:

1255 (A) Organizational affiliations and memberships;

1256 (B) Social media engagement, including any published statements,
1257 photographs, or video footage; and

1258 (C) Sustained allegations of misconduct against the officers, as determined
1259 by the Metropolitan Police Department or the Office of Police Complaints; and

1260 (2) Conduct interviews with officers, witnesses, or other relevant stakeholders.

1261 (c)(1) Any entity selected by the ODCA shall be nonpartisan and have expertise in:

1262 (A) Civil rights and racial equity;

1263 (B) The threat of white supremacist and other hate groups, movements, and
1264 organizing efforts; or

1265 (C) Law enforcement and intelligence oversight and reform or in
1266 conducting investigations and evaluations of law enforcement procedures, policies, and practices.

1267 (2) At least one entity shall have additional expertise in local, federal, and
1268 constitutional law, as it relates to freedoms of speech and association.

1269 (d) If, during the course of the assessment, the ODCA determines that criminal activity or
1270 other wrongdoing has occurred or is occurring, they shall, as soon as practicable, report the facts
1271 that support such information to the appropriate prosecuting authority and MPD.

1272 (e)(1) ODCA shall submit a report describing the comprehensive assessment, relevant
1273 findings, and recommendations to the Mayor and Council no later than 18 months after the
1274 effective date of this act.

1275 (2) The report shall include recommendations to reform or improve MPD's hiring
1276 and training practices, policies, practice, and disciplinary system to better prevent, detect, and
1277 respond to white supremacist or other hate group ties among Department officers and staff that
1278 suggest they are not able to enforce the law fairly, and to better investigate and discipline officers
1279 for such behavior.

1280 SUBTITLE S. LIMITATIONS ON THE USE OF VEHICULAR PURSUITS BY LAW
1281 ENFORCEMENT OFFICERS.

1282 Sec. 127. Definitions.

1283 (a) For the purposes of this subtitle, the term:

1284 (1) “Boxing in” means any practice or tactic in which law enforcement officers
1285 intentionally surround a suspect motor vehicle with pursuit vehicles and then reduce the traveling
1286 speed of the pursuit vehicles with the intent to stop or slow the suspect motor vehicle.

1287 (2) “Caravanning” means any practice or tactic in which a law enforcement officer
1288 operates a pursuit vehicle without maintaining a reasonable distance between another pursuit
1289 vehicle.

1290 (3) “Crime of violence” shall have the same meaning as provided in D.C. Official
1291 Code § 23-1331(4).

1292 (4) “Deploying a roadblock” means any tactic or practice in which a law
1293 enforcement officer intentionally places a vehicle or object in the path of the suspect vehicle with
1294 the intent to stop the suspect motor vehicle.

1295 (5)(A) “Deploying a tire deflation device” means any tactic or practice in which a
1296 law enforcement officer intentionally places or activates a device that extends across the roadway
1297 with the intent to slow or stop a suspect vehicle.

1298 (B) The term “deploying a tire deflation device” does not include raising
1299 bollards or other barricades when:

1300 (i) The bollard or barricade is clearly visible to the operator of the
1301 suspect motor vehicle; and

1302 (ii) The bollard or barricade is raised in a manner that provides the
1303 operator of the suspect motor vehicle adequate time to safely avoid the bollard or barricade.

1304 (6) “Law enforcement officer” shall have the same meaning as provided in D.C.
1305 Official Code § 23-501(2).

1306 (7) “Motor vehicle” means any automobile, all-terrain vehicle, motorcycle, moped,
1307 or other vehicle designed to be propelled only by an internal-combustion engine or electricity.

1308 (8) “Paralleling” means any practice or tactic in which a law enforcement officer
1309 operates a pursuit vehicle in the same direction, and at approximately the same speed, as the
1310 suspect motor vehicle using another street or highway parallel to the direction or route of the
1311 suspect motor vehicle.

1312 (9) “Pursuit vehicle” means any motor vehicle operated by a law enforcement
1313 officer during a vehicular pursuit of a fleeing suspect.

1314 (10) “Ramming” means any tactic in which a law enforcement officer intentionally
1315 causes a pursuit vehicle to come into physical contact with a suspect motor vehicle with the intent
1316 to damage, slow, or stop the suspect motor vehicle, regardless of the speed of the pursuit vehicle.

1317 (11) “Serious bodily injury” means a bodily injury or significant bodily injury that
1318 involves:

1319 (A) A substantial risk of death;

1320 (B) Protracted and obvious disfigurement;

1321 (C) Protracted loss or impairment of the function of a bodily member or
1322 organ; or

1323 (D) Protracted loss of consciousness.

1324 (12) “Vehicular pursuit” means the operation of a pursuit vehicle in a manner that
1325 is not consistent with the posted speed limit or other applicable traffic regulations in an attempt to
1326 apprehend a suspect who is eluding apprehension while operating a motor vehicle.

1327 Sec. 128. Law enforcement vehicular pursuit reform.

1328 (a) A law enforcement officer shall not ~~use a motor vehicle to~~ engage in a vehicular pursuit
1329 of a suspect motor vehicle, unless the law enforcement officer actually and reasonably believes:

1330 (1) The fleeing suspect:

1331 (A) Has committed or attempted to commit a crime of violence; or

1332 (B) Poses an immediate threat of death or serious bodily injury to another
1333 person;

1334 (2) The vehicular pursuit is:

1335 (A) Immediately necessary to protect another person, other than the fleeing
1336 suspect, from the threat of serious bodily injury or death; and

1337 (B) Not likely to cause death or serious bodily injury to any person; and

1338 (3) All other options have been exhausted or do not reasonably lend themselves to
1339 the circumstances.

1340 (b) In any grand jury, criminal, delinquency, or civil proceeding where an officer's use of
1341 a vehicular pursuit is a material issue, the trier of fact shall consider:

1342 (1) The reasonableness of the law enforcement officer's belief and actions from the
1343 perspective of a reasonable law enforcement officer; and

1344 (2) The totality of the circumstances, which shall include:

1345 (A) Whether the identity of the suspect was known;

1346 (B) Whether the suspect could have been apprehended at a later time;

1347 (C) The likelihood of a person, including the suspect motor vehicle's
1348 occupants, being endangered by the vehicular pursuit, including the type of area, the time of day,
1349 the amount of vehicular and pedestrian traffic, and the speed of the vehicular pursuit;

1350 (D) The availability of other means to apprehend or track the fleeing
1351 suspect, such as helicopters;

1352 (E) Whether circumstances arose during the vehicular pursuit that rendered
1353 the pursuit futile or would have required the vehicular pursuit to continue for an unreasonable time
1354 or distance, including:

1355 (i) The distance between the pursuing law enforcement officers and
1356 the fleeing motor vehicle; and

1357 (ii) Whether visual contact with the suspect motor vehicle was lost,
1358 or the suspect motor vehicle's location was no longer known;

1359 (F) Whether the law enforcement officer's pursuit vehicle sustained damage
1360 or a mechanical failure that rendered it unsafe to operate;

1361 (G) Whether the law enforcement officer was directed to terminate the
1362 pursuit by the pursuit supervisor or a higher-ranking supervisor;

1363 (H) The law enforcement officer's training and experience;

1364 (I) Whether anyone in the suspect motor vehicle:

1365 (i) Appeared to possess, either on their person or in a location where
1366 it is readily available, a dangerous weapon; and

1367 (ii) Was afforded an opportunity to comply with an order to
1368 surrender any suspected dangerous weapons;

1369 (J) Whether the law enforcement officer, or another law enforcement officer
1370 in close proximity, engaged in reasonable de-escalation measures;

1371 (K) Whether any conduct by the law enforcement officer prior to the
1372 vehicular pursuit unreasonably increased the risk of a confrontation resulting in a vehicular pursuit;
1373 and

1374 (L) Whether the law enforcement officer made all reasonable efforts to
1375 prevent harm, including abandoning efforts to apprehend the suspect.

1376 (c)(1) The following practices or tactics employed by a law enforcement officer shall
1377 constitute a serious use of force:

1378 (A) Boxing in;

1379 (B) Caravanning;

1380 (C) Deploying a roadblock;

1381 (D) Deploying a tire deflation device; and

1382 (E) Paralleling.

1383 (2) Ramming shall constitute a deadly use of force.

1384 SUBTITLE T. SCHOOL POLICE INCIDENT OVERSIGHT AND
1385 ACCOUNTABILITY.

1386 Sec. 129. The Attendance Accountability Amendment Act of 2013, effective September
1387 19, 2013 (D.C. Law 20-17; D.C. Official Code § 38-236.01 *et seq.*), is amended as follows:

1388 (a) Section 201 (D.C. Official Code § 38-236.01) is amended as follows:

1389 (1) A new paragraph (10A) is added to read as follows:

1390 “(10A) “Law enforcement officer” means:

1391 “(A) An officer or member of the Metropolitan Police Department or any
1392 other police force operating in the District;

1393 “(B) An on-duty, civilian employee of the Metropolitan Police Department;

1394 “(C) An investigative officer or agent of the United States;
1395 “(D) An on-duty, licensed special police officer or security guard;
1396 “(E) An on-duty, licensed campus police officer;
1397 “(F) An on-duty employee of the Department of Corrections or Department
1398 of Youth Rehabilitation Services;
1399 “(G) An on-duty employee of the Pretrial Services Agency, Court Services
1400 and Offender Supervision Agency, or Superior Court Family Court Social Services Division; or
1401 “(H) An employee of the Office of the Inspector General who, as part of
1402 their official duties, conducts investigations of alleged felony violations.”.

1403 (2) Paragraph (17) is amended to read as follows:
1404 “(17) “School-related arrest” means an arrest of a student that occurred, or was
1405 based on conduct that occurred, at a District of Columbia Public School or public charter school,
1406 on its grounds, within a school vehicle or other form of transportation, or at a school-sponsored
1407 activity.”.

1408 (b) Section 209(a)(2) (D.C. Official Code § 38-236.09(a)(2)) is amended as follows:
1409 (1) Subparagraph (G) is amended by striking the phrase “arrest; and” and inserting
1410 the phrase “arrest and the reason for involving law enforcement officers;” in its place.
1411 (2) A new subparagraph (G-i) is added to read as follows:
1412 “(G-i) The type and count of weapons or controlled substances recovered
1413 during a school-related arrest; and”.

1414 (3) Subparagraph (H) is amended to read as follows:
1415 “(H) A description of the conduct that led to or reasoning behind each
1416 suspension, involuntary dismissal, emergency removal, disciplinary unenrollment, voluntary

1417 withdrawal or transfer, referral to law enforcement, school-related arrest, recovery of weapons,
1418 recovery of controlled dangerous substances, and, for students with disabilities, change in
1419 placement; and”.

1420 Sec. 130. Section 386 of the Revised Statutes of the District of Columbia (D.C. Official
1421 Code § 5-113.01), is amended as follows:

1422 (a) Subsection (a) is amended as follows:

1423 (1) Paragraph (4B)(K) is amended by striking the period and inserting a semicolon
1424 in its place.

1425 (2) Paragraph (4C)(G) is amended by striking the phrase “; and” and inserting a
1426 semicolon in its place.

1427 (3) Paragraph (4D) is amended by striking the phrase “; and” and inserting a
1428 semicolon in its place.

1429 (4) A new paragraph (4E) is added to read as follows:

1430 “(4E) The following information, disaggregated by school, except
1431 in cases where disaggregation could reveal a student’s identity:

1432 “(A) The number of times a law enforcement officer was dispatched to, or
1433 requested by, a school;

1434 “(B) The incident or arrest classification; ~~The reason for dispatching or~~
1435 ~~requesting the officer;~~

1436 “(C) The number of school-related arrests, as that term is defined in section
1437 201(17) of the Attendance Accountability Amendment Act of 2013, effective August 25, 2018
1438 (D.C. Law 22-157; D.C. Official Code § 38-236.01(17)), involving an officer;

1439 “(D) The type and count of weapons or controlled substances recovered
1440 from any school-related event, whether or not an arrest occurred;

1441 “(E) Demographic data for any student and law enforcement officer
1442 involved in a stop or school-based arrest, including:

1443 “(i) Race and ethnicity;

1444 “(ii) Gender; and

1445 “(iii) Age.”; ~~and~~

1446 ~~“(iv) Disability status; and”.~~

1447 (b) Subsection (c) is amended by adding a new paragraph (1A) to read as follows:

1448 “(1A) Biannually, aggregated data collected in accordance with subsection (a)(4E)
1449 of this section;”.

1450 SUBTITLE U. OPIOID OVERDOSE PREVENTION.

1451 Sec. 131. Section 4(b) of the Drug Paraphernalia Act of 1982, effective September 17, 1982
1452 (D.C. Law 4-149; D.C. Official Code § 48-1103(b)), is amended by adding a new paragraph (1B)
1453 to read as follows:

1454 “(1B) Notwithstanding paragraph (1) of this subsection, it shall not be unlawful for
1455 District government employees, contractors, and grantees, acting within the scope of their
1456 employment, contract, or grant, to deliver, or possess with intent to deliver, drug paraphernalia for
1457 the personal use of a controlled substance.”.

1458 SUBTITLE V. METROPOLITAN POLICE DEPARTMENT OVERTIME SPENDING
1459 TRANSPARENCY.

1460 Sec. 132. Section 386 of the Revised Statutes of the District of Columbia (D.C. Official
1461 Code § 5-113.01), is amended as follows:

1462 (a) Subsection (c)(1) is amended as follows:

1463 (1) Subparagraph (A) is amended by striking the phrase “; and” and inserting a
1464 semicolon in its place.

1465 (2) Subparagraph (B)(ii) is amended by striking the semicolon and inserting the
1466 phrase “; and” in its place.

1467 (3) A new subparagraph (c) is added to read as follows:

1468 “(C) Copies of the overtime pay spending reports submitted to the Council
1469 as described in subsection (d) of this section.”.

1470 (b) A new subsection (d) is added to read as follows:

1471 “(d) MPD shall provide a written report every 2 pay periods on MPD’s overtime pay
1472 spending to the Council that describes the amount spent year-to-date on overtime pay and the
1473 staffing plan and conditions justifying the overtime pay.”.

1474 SUBTITLE W. METROPOLITAN POLICE DEPARTMENT CADET PROGRAM
1475 EXPANSION.

1476 Sec. 133. Section 2 of the Police Officer and Firefighter Cadet Programs Funding
1477 Authorization and Human Rights Act of 1977 Amendment Act of 1982, effective March 9, 1983
1478 (D.C. Law 4-172; D.C. Official Code § 5-109.01), is amended as follows:

1479 (a) Subsection (a) is amended to read as follows:

1480 “(a)(1) The Chief of the Metropolitan Police Department (“MPD”) shall establish a police
1481 officer cadet program for the purpose of instructing, training, and exposing cadets to:

1482 “(A) MPD’s operations; and

1483 “(B) The duties and responsibilities of serving as an MPD police officer.

1484 “(2) The police officer cadet program established in paragraph (1) of this subsection
1485 shall be composed of the following persons residing in the District, who shall have substantial ties
1486 to the District, such as currently or formerly residing, attending school, or working in the District
1487 for a significant period of time:

1488 “(A) Senior-year high school students; and

1489 “(B) High school graduates under 25 years of age.”.

1490 (b) Subsection (b) is amended by striking the phrase “the Metropolitan Police Department”
1491 and inserting the acronym “MPD” in its place.

1492 SUBTITLE X. PUBLIC RELEASE OF RECORDS RELATED TO MISCONDUCT AND
1493 DISCIPLINE.

1494 Sec. 134. Section 204 of the Freedom of Information Act of 1976, effective March 29,
1495 1977 (D.C. Law 1-96; D.C. Official Code § 2-534), is amended by adding a new subsections (d-
1496 1) and (d-2) to read as follows:

1497 “(d-1)(1) Notwithstanding any provision of this act, a request under this act for disciplinary
1498 records shall not be categorically denied or redacted on the basis that it constitutes an unwarranted
1499 invasion of a personal privacy for officers within the Metropolitan Police Department (“MPD”),
1500 the District of Columbia Housing Authority Police Department (“HAPD”), or the Office of the
1501 Inspector General (“OIG”), except as described in paragraph (3).

1502 “(2) For the purposes of this subsection, the term “disciplinary records” means any
1503 record created in furtherance of a disciplinary proceeding for, or an Office of Police Complaints
1504 (“OPC”) investigation of, an MPD, HAPD, or OIG officer, regardless of whether the matter was
1505 fully adjudicated or resulted in policy training, including:

1506 “(A) The name of the officer complained of, investigated, or charged;

1507 “(B) The complaints, allegations, and charges against the officer;

1508 “(C) The transcript of any disciplinary trial or hearing, including any

1509 exhibits introduced at such trial or hearing;

1510 “(D) The disposition of any disciplinary proceeding;

1511 “(E) The final written opinion or memorandum supporting the disposition

1512 and any discipline imposed, including the MPD’s, HAPD’s, or OIG’s complete factual findings

1513 and its analysis of the conduct and appropriate discipline of the officer; and

1514 “(F) Any other record or document created by OPC, MPD, HAPD, or OIG

1515 in anticipation of, or in preparation for, any disciplinary proceeding.

1516 “(3) When providing records or information related to disciplinary records, the

1517 responding public body may redact:

1518 “(A) With respect to the officer or the complainant, records or information

1519 related to:

1520 “(i) Technical infractions, solely pertaining to the enforcement of

1521 administrative departmental rules that do not involve interactions with members of the public and

1522 are not otherwise connected to the officer’s investigative, enforcement, training, supervision, or

1523 reporting responsibilities;

1524 “(ii) Their medical history, except in cases where the medical

1525 history is a material issue in the basis of the complaint; and

1526 “(iii) Their use of an employee assistance program, including mental

1527 health treatment, substance abuse treatment service, counseling, or therapy, unless such use is

1528 mandated by a disciplinary proceeding that may be otherwise disclosed pursuant to this subsection;

1529 and

1530 “(B) With respect to any person:

1531 “(i) Personal contact information, including home addresses,

1532 telephone numbers, and email addresses;

1533 “(ii) Any social security numbers;

1534 “(iii) Any records or information that preserves the anonymity of

1535 whistleblowers, complainants, victims, and witnesses; and

1536 “(iv) Any other records or information otherwise exempt from

1537 disclosure under this section other than subsection (a)(2).”.

1538 “(d-2) Notwithstanding any other provision of law, agencies shall not categorically treat

1539 law enforcement disciplinary records as falling within any exemption listed in D.C. Code § 2-

1540 534.”.

1541 Sec. 135. The Office of Citizen Complaint Review Establishment Act of 1998, effective

1542 March 26, 1999 (D.C. Law 12-208; D.C. Official Code § 5-1101 *et seq.*), is amended by adding

1543 new sections 16~~7~~ and 17~~8~~ to read as follows:

1544 “Sec. 17. Officer disciplinary records database.

1545 “(a) Notwithstanding section 3105 of the District of Columbia Comprehensive Merit

1546 Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-631.05),

1547 by December 31, 2024, the Office shall maintain a publicly accessible database that contains the

1548 following information related to sustained allegations of misconduct pertaining to an officer’s

1549 commission of a crime, the officer’s interactions with members of the public, or the officer’s

1550 integrity in criminal investigations, as determined by the Office, the MPD, the DCHAPD, or the

1551 OIG for incidents that occurred on the effective date of the Comprehensive Policing and Justice

1552 Reform Amendment Act of 2022, as approved by the Committee on the Judiciary and Public Safety
1553 on November 30, 2022 (Committee print of Bill 24-320), or thereafter:

1554 “(1) The name, badge number, rank, length of service, and current duty status of an
1555 officer against whom an allegation of misconduct has been sustained;

1556 “(2) A description of:

1557 “(A) The complaint that is the basis of the sustained allegation of
1558 misconduct, if initiated by a complaint; or

1559 “(B) The conduct that is the basis of the sustained allegation of misconduct,
1560 if initiated by another means;

1561 “(3) Whether the allegation of misconduct was initiated by:

1562 “(A) The MPD;

1563 “(B) The DCHAPD;

1564 “(C) The OIG;

1565 “(D) A complaint submitted to the Office pursuant to section 8(a);

1566 “(E) The Executive Director as described in section 8(g-1); or

1567 “(F) Any other entity;

1568 “(4) A description of the final disposition and a copy of the final order or written
1569 determination;

1570 “(5) The discipline imposed on the officer in response to the sustained allegation of
1571 misconduct and the date on which it was imposed;

1572 “(6) If applicable, the discipline recommended by the Office, as described in section
1573 12(i)(1)(A); and

1574 “(7) Whether the officer or another entity has requested an appeal regarding the
1575 sustained allegation of misconduct.

1576 “(b) In the event a sustained allegation is successfully appealed, overturned, vacated, or
1577 otherwise invalidated, the Office shall remove database entries related to the initial sustained
1578 allegation of misconduct.

1579 “(c) The MPD shall maintain records necessary to update the database as needed and
1580 furnish that information to the Office as requested.

1581 “Sec. 18. Advisory group on public disclosure of disciplinary records.

1582 “(a) The Office shall establish and consult with an advisory group to provide
1583 recommendations regarding the public disclosure of disciplinary records through the database
1584 described in section 17 or available under the Freedom of Information Act of 1976, effective March
1585 29, 1977 (D.C. Law 1-96; D.C. Official Code § 2-531 *et seq.*) on the following topics:

1586 “(1) Records retention policies for District law enforcement agencies;

1587 “(2) Processes for sending data to the Office for timely inclusion in the officer
1588 disciplinary database;

1589 “(3) The accessibility and usability of the officer disciplinary database;

1590 “(4) Methods to improve the timeliness of responses to requests for records under
1591 the Freedom of Information Act of 1976, effective March 29, 1977 (D.C. Law 1-96; D.C. Official
1592 Code § 2-531 *et seq.*);

1593 “(5) Standards for determining whether a record is exempt from disclosure under
1594 the Freedom of Information Act of 1976, effective March 29, 1977 (D.C. Law 1-96; D.C. Official
1595 Code § 2-531 *et seq.*);

1596 “(6) Standards for determining when and how to redact records;

1597 “(7) Standards for determining whether documents may be furnished without
1598 charge or at a reduced charge as described in section 202(b) of the Freedom of Information Act of
1599 1976, effective March 29, 1977 (D.C. Law 1-96; D.C. Official Code § 2-532(b));

1600 “(7~~8~~) Policies for protecting the privacy of witnesses, victims, and juveniles; and

1601 “(8~~9~~) Whether a need exists to modify the provisions related to the contents of the
1602 disciplinary database described in section 17 or the disciplinary records available under the
1603 Freedom of Information Act of 1976, effective March 29, 1977 (D.C. Law 1-96; D.C. Official
1604 Code § 2-531 *et seq.*)”;

1605 “(b) The advisory group shall consist of:

1606 “(1) One representative from each of the following agencies:

1607 “(A) The D.C. Housing Authority Police Department

1608 “(B) The Metropolitan Police Department;

1609 “(C) The Office of the Attorney General;

1610 “(D) The Office of the Inspector General; and

1611 “(E) The Public Defender Service; and

1612 “(2) One representative from each of the following organizations:

1613 “(A) American Civil Liberties Union;

1614 “(B) DC Open Government Coalition;

1615 “(C) Electronic Privacy Information Center;

1616 “(D) Fraternal Order of Police;

1617 “(E) Reporters Committee for Freedom of the Press; and

1618 “(F) The Network for Victim Recovery of DC.”.

SUBTITLE Y. LIMITING APPLICATION OF DUNCAN ORDINANCE AND OTHER
LIMITATIONS ON DATA-SHARING.

Sec. 136. Section 1004 of Title 1 of the District of Columbia Municipal Regulations (1
DCMR § 1004), is amended by adding a new subsection 1004.10 to read as follows:

“1004.10. Nothing in this section shall prohibit the Metropolitan Police Department from
providing unexpurgated adult arrest records to employees or contractors working to reduce gun
violence, or serve individuals at high risk of being involved in gun violence, within the following
District agencies:

“(a) The Criminal Justice Coordinating Council;

“(b) The Office of Gun Violence Prevention;

“(c) The Office of Neighborhood Safety and Engagement;

“(d) The Office of the Attorney General; and

“(e) The Office of Victim Services and Justice Grants.”.

Sec. 137. The Attorney General for the District of Columbia Clarification and Elected Term
Amendment Act of 2010, effective May 27, 2010 (D.C. Law 18-160; D.C. Official Code § 1-
301.81 *et seq.*), is amended by adding a new section 122 to read as follows:

“Sec. 122. Publication of arrest data.

“(a) To facilitate the Office of the Attorney General’s (“OAG”) ability to publish data about
its prosecution practices, including data about how its prosecution decisions break down by race
and other demographic factors, OAG shall be permitted to analyze and publish all arrest data that
the Metropolitan Police Department (“MPD”) transfers to OAG, regardless of whether it transfers
that data via electronic or other means.

“(b) MPD shall cooperate with OAG’s reasonable requests for information about the arrest data that it transfers to OAG, including requests for information about how MPD cleans and publishes its arrest data on its own website.”.

SUBTITLE Z. DEPUTY AUDITOR FOR PUBLIC SAFETY

Sec. 138. The District of Columbia Auditor Subpoena and Oath Authority Act of 2004, effective April 22, 2004 (D.C. Law 15-146; D.C. Official Code § 1-301.171 *et seq.*), is amended by adding new sections 4b and 4c to read as follows:

“Sec. 4b. Deputy Auditor for Public Safety.

“(a) There is established within the Office of the District of Columbia Auditor the position of Deputy Auditor for Public Safety.

“(b) The Deputy Auditor for Public Safety shall be appointed by the Auditor.

“(c) In addition to other qualifications the Auditor deems necessary, the Deputy Auditor for Public Safety shall, at a minimum, have knowledge of law enforcement and corrections policies and practices, particularly regarding internal investigations for officer misconduct and uses of force.

“Sec. 4c. Duties of the Deputy Auditor for Public Safety.

“The Deputy Auditor for Public Safety shall, in addition to any other responsibilities assigned by the Auditor or by law:

“(1) Conduct periodic reviews of the complaint review process and make recommendations, where appropriate, to the Mayor, the Council, and the designated agency principal concerning the status and the improvement of the complaint process and the management of the MPD and the DCHAPD affecting the incidence of police misconduct, such as the recruitment, training, evaluation, discipline, and supervision of police officers; and

1664 “(2) Periodically review the following with respect to the MPD, the DCHAPD, or
1665 the OIG:

1666 “(A) The number, type, and disposition of complaints received,
1667 investigated, sustained, or otherwise resolved;

1668 “(B) The race, national origin, gender, and age of the complainant, if known,
1669 and the subject officer or officers;

1670 “(C) The proposed discipline and the actual discipline imposed on a police
1671 officer as a result of any sustained complaint;

1672 “(D) All use of force incidents, serious use of force incidents, and serious
1673 physical injury incidents; and

1674 “(E) Any in-custody death.”.

1675 Sec. 139. Section 903(a)(4) of the District of Columbia Government Comprehensive Merit
1676 Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1–
1677 609.03(a)(4) *et seq.*), is amended by striking the phrase “than 4 persons” and inserting the phrase
1678 “than 5 persons” in its place.

1679 TITLE II. CONFORMING AMENDMENT.

1680 Sec. 201. The amendatory § 22A-101(75) within section 101 (page 31) of the Revised
1681 Criminal Code Act, passed on 2nd reading on November 15, 2022 (Enrolled version of Bill 24-
1682 416), is amended as follows:

1683 (a) Subparagraph (F) is amended by striking the phrase “; or” and inserting a semicolon in
1684 its place.

1685 (b) Subparagraph (G) is amended by striking the semicolon and inserting the phrase “; or”
1686 in its place.

(c) A new subparagraph (H) is added to read as follows:

“(H) An employee of the District of Columbia Office of the Inspector General who, as part of their official duties, conducts investigations of alleged felony violations.”.

TITLE III. APPLICABILITY; FISCAL IMPACT STATEMENT; EFFECTIVE DATE.

Sec. 301. Applicability.

(a)(1) Except as provided in subsections (b) and (c) of this section, sections ~~101, 102, 103,~~ ~~104,~~ 105, ~~121,~~ 125, ~~128, 129,~~ 134, and 135, amendatory section 4c in section 138, and section 139 shall apply upon the date of inclusion of their fiscal effect in an approved budget and financial plan.

(2) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in an approved budget and financial plan, and provide notice to the Budget Director of the Council of the certification.

(3)(A) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

(B) The date of publication of the notice of the certification shall not affect the applicability of the provisions identified in paragraph (1) of this subsection.

(b) Sections 117 and 118 shall apply retroactively to any matter pending, before any court or adjudicatory body, as of the applicability date of this act under a negotiated grievance process or under Title XVI-A of the District of Columbia Government Comprehensive Merit Personnel Act, effective June 10, 1998 (D.C. Law 12-124; D.C. Official Code § 1-616.51 *et seq.*), or any related regulations.

(c)(1) Section 121 shall apply as of October 1, 2023.

1710 (2) Section 129 shall apply as of September 1, 2023.

1711 Sec. 302. Fiscal impact statement.

1712 The Council adopts the fiscal impact statement in the committee report as the fiscal impact
1713 statement required by section 4a of the General Legislative Procedures Act of 1975, approved
1714 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

1715 Sec. 303. Effective date.

1716 This act shall take effect following approval by the Mayor (or in the event of veto by the
1717 Mayor, action by the Council to override the veto), a 60-day period of congressional review as
1718 provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December 24,
1719 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of
1720 Columbia Register.